



## UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/092,628	03/08/2002	Tatsuya Kawanishi	220408US2X

CONFIRMATION NO. 8676

## FORMALITIES LETTER



\*OC000000007960324\*

 22850  
 OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT PC  
 FOURTH FLOOR  
 1755 JEFFERSON DAVIS HIGHWAY  
 ARLINGTON, VA 22202

Date Mailed: 04/25/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

## Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- The application was filed in a language other than English. Applicant is required to provide an English translation of the specification and a statement that the translation is accurate. (See 37 CFR 1.52(d)).
- Because your specification was filed in a language other than English, the Office was unable to determine the number of claims submitted. Additional claim fees may be due once the number of claims can be determined.

*A copy of this notice **MUST** be returned with the reply.*

 Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

10092628 03082002

Docket No. 220408US2X



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Tetsuya KAWANISHI, et al.

SERIAL NUMBER: 10/092,628

ATTN: APPLICATION BRANCH

FILING DATE: March 8, 2002

FOR: RESONANCE TYPE OPTICAL MODULATOR USING SYMMETRIC OR ASYMMETRIC ELECTRODE

FILING OF DECLARATION UNDER 37 CFR 1.53(f)

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Responsive to the notification dated April 25, 2002, and in accordance with the provisions of 37 CFR 1.53(f), Applicants submit herewith a Rule 63 Declaration.

The required fee was paid at the time of filing the application.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Marvin J. Spivak

Attorney of Record

Registration No. 24,913

Joseph A. Scafetta, Jr.  
Registration No. 26,803



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10092628.062502



ATTN: APPLICATION BRANCH

**THIS IS A RESPONSE TO A  
NOTICE TO FILE MISSING  
PARTS OF AN APPLICATION**



ATTORNEYS AT LAW

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Re: Inventor: Tetsuya KAWANISHI, et al.  
Serial No: 10/092,628  
Filed: March 8, 2002  
For: RESONANCE TYPE OPTICAL MODULATOR USING  
SYMMETRIC OR ASYMMETRIC ELECTRODE

SIR:

Attached hereto for filing are the following papers:

Notice to File Missing Parts  
Filing of Declaration/Declaration  
Preliminary Amendment w/Marked-Up Copy  
Filing of Certified English Translation  
Certification of English Translation  
Certified English Translation (27 pages)

Our check in the amount of \$0.00 is attached covering any required fees. In the event that any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 CFR 1.136 for the necessary extension of time. A duplicate of this sheet is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

*Joseph A. Scafetta Jr.*

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Docket No: 220408US2X



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: :  
Tetsuya KAWANISHI, et al. :  
SERIAL NO: 10/092,628 : ATTN: BOX MISSING PART  
FILED: March 8, 2002 :  
FOR: RESONANCE TYPE OPTICAL :  
MODULATOR USING SYMMETRIC OR :  
ASYMMETRIC ELECTRODE :

**FILING OF CERTIFIED ENGLISH TRANSLATION UNDER 37 CFR 1.52(d)**

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Responsive to the Notice to File Missing Parts of Application (Form PTO-1533) dated April 25, 2002, Applicants submit herewith a certified English translation of the application, as filed, in accordance with the provisions of 37 C.F.R. §1.52(d).

The required fee was paid at the time of filing of the application.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

*Joseph A. Scafetta Jr.*  
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DECLARATION OF TRANSLATIONS

I, Kazuo SUZUKI, of Fukuda Patent Office of Kashiwaya Bldg. 2F. 6-13 Nishi-Shimbashi 1 chome, Minato-ku, Tokyo, Japan, hereby certify that I am the translator of the Japanese specification of U.S. Patent Application Serial No. 10/092,628 filed March 8, 2002 and certify that the following is a true translation to the best of my knowledge and belief.

The undersigned declarant declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

June 20, 2002

Date

K. Suzuki  
Signature

Kazuo SUZUKI

Name

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